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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,768	07/06/2000	William P. Alberth JR.	CS10557	5526

7590

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EXAMINER

TRAN, TUAN A

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,768

Applicant(s)

ALBERTH ET AL.

Examiner

Tuan A Tran

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 6-15, 17-25 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Alpert (5,742,666).

Regarding claims 1-2, 4 and 6-13, Alpert discloses a cellular phone that comprises: means for storing the message in a memory associated with the wireless device comprising means for storing an audio message picked-up from a microphone of the wireless device in a memory associated with the wireless device and means for pre-storing a data message in a memory associated with the wireless device wherein data message is part of a radio repertoire and includes a digital signature; means for initiating a call from a wireless device comprising means for initiating a call from the wireless device by depressing a speed-dial key; means for sending the stored message from the wireless device when the call is established comprising means sending the stored message from the wireless device if no audio signals are pick-up by a microphone of the wireless device, means for resending the stored message from the wireless device when a command is detected on a downlink channel, means for terminating sending the stored message when an audio signal is pick-up by a

microphone of the wireless device or when a key of the wireless device is activated; and means for sending position data from the wireless device when the call is established (See figs. 3A, 3C, 4, 7, 9, col. 5, lines 12-39, 55-63, col. 6, lines 3-5, 15-23, 39-49, col. 9, lines 16-25, 57-67, col. 10, lines 11-22, 31-34, 40-55, col. 13, lines 54-65, col. 14, lines 8-14, 25-34, col. 15, lines 37-41).

Claims 14-15 and 17-22 are rejected for the same reasons as set forth in claims 1-2, 4 and 6-13.

Claims 23-25 and 27-30 are rejected for the same reasons set forth in claims 1, 2, 4, 6-15 and 17-22, as apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert (5,742,666) in view of Oh (6,173,169).

Regarding claim 5, Alpert discloses as cited in claim 1. However, Alpert does not mention the step of adding audio signals picked up by a microphone of the wireless device to the stored message and sending the resultant sum. Oh discloses a cordless phone that comprises a step of sending a prerecorded message along with audio

signals picked up by the microphone of the phone (See fig. 1, col. 3, lines 55-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included such step, as disclosed by Oh, to the cellular phone as disclosed by Alpert, for the advantage of giving the called party further information regarding the emergency situation.

3. Claims 3, 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert (5,742,666).

Regarding to claim 3, Alpert discloses as cited in claim 1, but Alpert does not mention the step of sending the stored message after a predetermined time has elapsed from when the call is established. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a time-delay circuit in the cellular phone as disclosed by Alpert in order to give the user sometime to realize that he/she has been initiated the emergency call by mistake, and they are be able to disconnect such call.

Claim 26 is rejected for the same reasons as set forth in claim 3 and 16, as apparatus.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Higuchi et al. U.S. Patent 6,275,690 discloses a cellular mobile telephone apparatus

- McClure U.S. Patent 5,923,731 discloses a telephone monitoring and alarm device.
- Baum et al. U.S. Patent 6,212,260 discloses an emergency call system.
- Oh U.S. Patent 6,173,169 discloses device and method for making emergency call in cordless telephone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Tran whose telephone number is (703) 605-4255. The examiner can normally be reached on Mon-Fri, 6:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel S Hunter can be reached on (703) 308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Tuan Tran
April 7, 2002



THANH CONG LE
PRIMARY EXAMINER